

Remarks

Upon entry of this Amendment, claims 19, 20, and 23-52 will be pending in this application. Claims 4-18, 21, and 22 have been cancelled without prejudice or disclaimer.

In accordance with the Examiner's constructive suggestion and identification of allowable subject matter, Applicants have amended claim 19 to include the features of independent claim 13 and intervening claim 18. Claim 20 depends from claim 19 and, accordingly, no longer is objectionable as depending from a rejected claim. Applicants respectfully request approval and entry of the claim amendments and allowance of claims 19 and 20.

Claim 14 has been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,052,196 to Pientka (hereinafter "Pientka"). Claim 12 has been rejected under 35 U.S.C. § 103(a) ("Section 103(a)") as being unpatentable over Pientka in view of U.S. Patent No. 6,084,519 to Coulling et al. (hereinafter "Coulling"). Claims 4-11, 13, 15-18, 21, and 22 have been rejected under Section 103(a) as being unpatentable over Pientka in view of U.S. Patent No. 5,796,106 to Noack (hereinafter "Noack").<sup>1</sup>

Applicants respectfully submit that these rejections have been rendered moot by the cancellation of claims 14-18, 21, and 22.

Applicants further respectfully submit that new claims 23-52 are neither

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<sup>1</sup> The Office Action also listed claims 20 and 21 as rejected under Section 103(a) over Pientka and Noack. In view of the Examiner's identification of allowable subject matter, Applicants believe that the inclusion of claims 20 and 21 within the scope of this rejection was a clerical-type error, and have treated it accordingly.

anticipated nor rendered unpatentable by Pientka, when taken alone or in combination with Coulling and/or Noack. In this regard, Applicants point out that new independent claims 23 and 38 each share a number of features in common with the allowable subject matter.

New independent claims 23 and 38 each recite a device comprising first and second emitting means for respectively emitting first and second electromagnetic beams reflected by first and second faces of a glazing, respectively, receiving means (R) for receiving at least a part of the first electromagnetic beam (F1) reflected by the first face and for receiving at least a part of the second electromagnetic beam (F2) reflected by the second face, and at least one insert (I1, I2) at least partly implanted into a thickness  $e$  of the glazing. The at least one insert comprises a first surface (S1; S11) substantially facing the first face (AV) and a second surface (S2; S11) substantially facing the second face (AR). The first and second surfaces are formed of a material that substantially reflects the first and second electromagnetic beams (F1, F2), in such a way that, from emission to reception, the first electromagnetic beam undergoes a first plurality of reflections in the glazing between the first surface (S1; S11) of the insert (I1) and the first face (AV) of the glazing, and the second electromagnetic beam undergoes a second plurality of reflections in the glazing between the second surface (S2; S11) of the insert (I1) and the second face (AR) of the glazing.

Pientka fails to disclose, *inter alia*, first and second emitting means, as the Examiner acknowledged at page 4, paragraph 2 of the Office Action. Coulling, which was cited by the Examiner as allegedly teaching dual emitting means, does not teach or reasonably suggest that its first and second electromagnetic beams are reflected by first

and second faces of a glazing. Noack, which was cited for its alleged disclosure of implanted emitting and receiving means, does not overcome all of the deficiencies of Pientka.

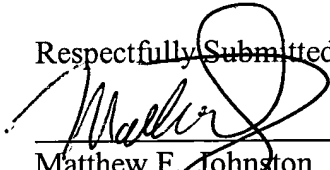
Applicants further respectfully submit that claims 24-37 and 39-52, depending from claims 23 and 38, respectively, and including all of the distinguishing features thereof, are allowable for the above-advanced reasons and for the further reason that the added subject matter thereof, when taken in combination with the subject matter of their respective independent claims as a whole, is neither disclosed in nor reasonably suggested by the applied art.

For all of these reasons, reconsideration and withdrawal of the Section 102(e) and 103(a) rejections is respectfully requested.

Having addressed all of the Examiner's concerns, Applicants respectfully submit that this application is in condition for allowance, and respectfully solicit a notice to that effect.

If, after reviewing the above amendments and remarks, the Examiner believes that any issues remain unresolved, the Examiner is respectfully requested to contact the undersigned, by telephone, to schedule an interview to address such issues.

Respectfully Submitted,



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